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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,110	12/28/1998	MONICA PATEL	91436-139	5133
27820	7590	02/08/2005	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			HARPER, KEVIN C	
P.O. BOX 1287			ART UNIT	PAPER NUMBER
CARY, NC 27512			2666	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/221,110

Applicant(s) **X**

PATEL ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed October 15, 2004, with respect to claims 1-17 have been fully considered but they are not persuasive.

1. Applicant argued that in Erb a first message type identifier is not inherent. However, various commands (get tuple, add tuple, delete tuple, modify tuple, etc.; col. 12, line 60 through col. 13, line 63; col. 17, lines 11-14, 30-34 and 55-63; col. 18, lines 14-18) are translated into network messages for transmission to a telephony switch (col. 27, lines 54-57; col. 27, line 64 through col. 28, line 13), and are then converted back to commands (col. 29, lines 36-59; col. 30, lines 4-15; col. 32, lines 7-14 and 40-42; col. 34, line 30 and 45-49). Thus the packets on the network must have some identifier to determine which command is present in the packet, such that the network packet includes a first message type identifier identifying a message as a data request message (i.e. get tuple).

2. Applicant argued that there is no evidence in Rutkowski for supporting a motivation for authentication. However, by requiring a login and password, authenticating is used when accessing a server that allows requested services to be associated with a client (col. 29, lines 32-34 and 48-49; col. 4, lines 22-24 and 45-47), where the client is financially responsible for those services (col. 8, lines 13-27). Therefore, the motivation to prevent unauthorized access is supported in Rutkowski.

3. Applicant argued that Byers does not support the motivation for providing additional fee-based services to customers. However, as a general definition customers pay for provided services (col. 2, lines 52-54). Therefore, the motivation to provide an additional phone service along with data or video services is supported by Byers.

4. Applicant argued that Acharya does not disclose OAM cells on two network connections having an associated priority. However, OAM cells are sent on their respective associated

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connections (col. 8, lines 32-34), where several connections between a computing device and an ATM switch exist concurrently (fig. 5a, item 500 and item 520; col. 7, lines 29-31). Each VC and the data of the VC are associated with a priority (col. 19, lines 21-38 and lines 10-13).

### *Drawings*

5. Replacement drawings were received on May 19, 2003. These drawings are approved.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Erb et al. (US 6,246,678).

6. Regarding claim 1, 4-5, 7 and 15-17, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27) over a packet switched network (Figure 1, item 30) separate from a public switched network (col. 2, lines 52-60). The method comprises establishing a connection between the computing device and the telephony switch (Figure 3B, steps 132c and 133a) and forming and forwarding to the telephony switch a packet that includes an inherent network address identifying the telephony switch on the packet switched network and an

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inherent network address identifying the computing device (Figure 1, item 30; col. 5, lines 5-18; note: standardized Ethernet and IP packets contain a source address and a destination address to facilitate two-way communication), an inherent first message identifier that identifies the message as a data request message (Figure 3A, step 134a and Figure 3B, step 135; note: a packet containing a read command is identified and is distinguished from a packet containing a write command -- Figure 3C, step 141a and Figure 3D, step 142), and an second message type identifier identifying a type of operations and management data requested from the telephony switch (col. 13, lines 7-10 and 20-21; col. 6, lines 54-60; col. 36, lines 13-20). Further regarding claims 15-17, the network devices have instructions on processor readable memory for performing the method (Figure 2A, items 120, 114, 116, 118, 124 and 126).

7. Regarding claim 6, the connection is established by way of an intermediate computing platform (Figure 1, items 46 or 48; col. 5, lines 12-18).

8. Regarding claim 8, the Ethernet address of the telephony switch is inherently alphanumeric (col. 5, lines 8-9).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erb et al. (US 6,246,678) in view of Rutkowski et al. (US 5,826,270).

9. Regarding claims 2 and 9, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27). However, Erb does not disclose providing a security

token allowing the telephony switch to authenticate the computing device. Rutkowski discloses requiring a user to provide a name and security token in order to securely gain access to a server resource (col. 29, lines 31-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to authenticate a user requesting access to a system resource in the invention of Erb.

10. Regarding claims 3 and 10, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27). However, Erb discloses a session request (Figure 3A, item 132c) and a session request reply (Figure 3B, steps 133a and 133b; Figure 3A, step 133c), but does not disclose specifically a login request and a login reply. Rutkowski discloses requiring a user to provide a name and security token in order to securely gain access to a server resource (col. 29, lines 31-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to authenticate a user requesting access to a system resource in the invention of Erb.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya et al. US 5,903,559 in view of Byers (US 5,781,320).

11. Regarding claim 11, Acharya discloses exchanging operations and management data between a switch (Figure 5a, item 520) and a computing device (device connected to item 520 by item 524) by establishing a connection over a packet network (col. 8, lines 29-35 and 37-39) and exchanging operations and management data over an inherent first connection and second connection (col. 8, lines 33-35) which are concurrent (Figure 5b and 5c). The packets of the first and second connections are associated with a first and second priority, respectively (col. 19, lines 26-29). However, Hauser does not explicitly disclose that the switch is a telephony switch. Byers

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discloses a telephony switch used in an ATM network for providing telephone access (Figure 1, item 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the switch in the invention of Acharya provide telephony services in order to provide additional fee-based services to customers.

12. Regarding claim 12, in Acharya the network is based on IP (abstract, lines 1-10; Figure 13).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya in view of Byers as applied to claim 11 above, and further in view of Mori (US 6,172,991).

13. Acharya in view of Byers discloses establishing ATM connections for IP packets (Acharya, Figure 13). However, Acharya in view of Byers does not disclose that the ATM connections are based on logical ports. Mori discloses that ATM connections are based on logical ports (Figure 1; col. 3, line 61 through col. 4, line 4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to associate ATM connections with logical ports in the invention of Acharya in view of Byers in order to properly control and manage the IP data within ATM packets (Mori, col. 1, lines 51-56).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

February 5, 2005

  
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